

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Higher Education- Hon'ble High Court of A.P. Judgment dt.4-3-2009 in W.P. No. 3059/01-Application filed by Andhra Evangelical Lutheran Church- Submission of application for admitting A.C. College of Law, Guntur into Grant-in- aid – orders - issued.

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HIGHER EDUCATION (UE.II) DEPARTMENT

G.O.Ms.No. 40

Dated:- 24 -4-2010  
Read the following

1. Repn from the President, Andhra Evangelical Lutheran Church, A.C. College of Law, Guntur, dated.12-5-2009 along with the orders of the Hon'ble High Court order dt.4-3-2009 in W.P.No.3059 of 2001.
2. Notice received from the Deputy Registrar, A.P. High Court on Contempt Case No. 1653 of 2009 in W.P. No. 3059 of 2001.

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ORDER:-

The Correspondent, A.C. College of Law, Guntur, in his letter dated: 11-08-97, addressed to the Commissioner of Collegiate Education had submitted that the said College was started in the year 1974 and the Law department was separated and constituted into an independent College of Law in the year 1982. He had requested for admission of the Law College into grant-in-aid since it was started prior to 1.3.1985. The request of the Correspondent, A.C. College of law Guntur was examined with reference to existing rules and rejected vide CCE's Procds. L.Dis.No.2336/P.C.II-3/ 97, dated 22-08-1997.

2) Again in the year 1999 the Commissioner of Collegiate Education had called for certain information with regards to unaided sections/groups not included in Grant-in-aid and existing as on 21.10.1990 from all such colleges including A.C. College of Law, Guntur. Pursuant to that the A.C. College of Law, Guntur had also submitted the information in the format prescribed by Commissioner of Collegiate Education, Hyderabad;

3) Having kept quiet for nearly 12 years, the A.C. College of Law, Guntur has filed W.P. No. 3059/2001 in the Hon'ble High Court for release of grants and the Hon'ble High Court has passed the following order on 4.3.2009:-

“Having regard to the fact and circumstances and in the light of the legal position clarified by this Court in W.P.No.3592 of 1997, the writ petition is disposed of permitting the petitioners to make an appropriate application for release of grant-in-aid. If any such application is made, the respondents shall consider the same in the light of the principles laid down in W.P.No. 3592 of 1997 and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of eight(8) week from the date of receipt of such application.”

4) In pursuance of the said orders of the Hon'ble High Court in W.P.No.3059/2001, the President of A. E. L. Church, Guntur has submitted an application to Government on 12.5.2009 vide reference first read above, requesting to consider to admit A.C. College of Law, Guntur to grant-in-aid and

release necessary funds w.e.f. 22.7.1985, keeping in view the principles laid down in the orders of the Hon'ble High Court in W.P. No. 3592/1997, dated. 30.11.2000.

5) Government have however noticed that the orders of the Hon'ble High court in W.P. No. 3592/1997, dated.30.11.2000 were modified in W.A.No.360/2001 and the Hon'ble Bench of the High Court has passed the following orders on 14.07.2008:-

“we are of the opinion that the order of the learned single Judge has to be modified to the extent that the Government shall consider admitting the 3<sup>rd</sup> respondent Sir C.R. Reddy Law College to grant-in-aid as and when a fresh application is made by the respondents in case a fresh college is started and dispose of it in accordance with law. The order of the learned single Judge is accordingly modified.”

6) In pursuance of the order of the Hon'ble High Court in W.P.No.360/2001, the petitioner, C.R. Law College had never filed any application to Government for Grant-in-aid and hence no orders were issued by the Government in that case and it is learnt that finally C.R. Law College was closed.

7) The A.C. College of Law, Guntur is running the following courses as on to-day:-

Sl. No.	Name of the Course	Sections	Strength of students	Total student strength
1	LL.B (3 years)	2	160	480
2	LL.B (5 years)	1	80	400

8) The details of teaching & non-teaching staff working in the said college are as follows:-

Sl.No.	Designation	No.of posts
<b>Teaching</b>		
1	Lecturer Principal	1
2	Lecturer in Library Science	1
3	Lecturer Physical Education	1
4	Lecturer Vice Principal	1
5	Lecturers	5
	<b>Total</b>	<b>9</b>
<b>Non-Teaching</b>		
1	Senior Assistant	4
2	Typist	1
3	Jr. Assistant	2
4	Attenders	6
5	Scavenger	1
6	Night Watchman	1
7	Record Assistant	2
	<b>Total</b>	<b>17</b>

9) As informed by the management of A.C. College of Law, Guntur on 21.4.2010 the college is collecting tuition fee @ Rs. 8,800/-per student per year for Category 'A' seats (80% of the total intake of students) and entitled to collect Rs. 29,150/- per student per year for category 'B' seats (20% of the students intake) for the courses run by them and as fixed by Admission & Fee Regulating Authority( AFRC) and as notified in G.O.Ms.No. 131, Higher Education (UE.II) Department, dated. 7.9.2009.

10) As compared to the Law Colleges the fees particulars of Regular UG courses in Government and Aided Degree Colleges as fixed by Govt., are as follows:-

Course discipline		Government Colleges (in Rupees)	Aided Colleges (in Rupees)
ARTS	Tuition fee	500	1000
	Special fee	515	515
COMMERCE	Tuition fee	500	1000
	Special fee	515	515
SCIENCES	Tuition fee	500	1000
	Special fee	815	815
Library Deposit		:	Rs. 100
Laboratory Deposit		:	Rs. 100
(for science students)			

11) In this regard it is pertinent to mention that in accordance with the directions of the Hon'ble Supreme Court in Civil Appeal No.5041 of 2005 dt.12.08.2005 (P.A Inamadar and others V/s State of Maharastra and others). Govt. has set up Admission & Fee Regulatory Committee (AFRC) headed by two Retired Judges of the High Court for fixing the fees for Professional courses offered in Private Un-Aided Professional Institutions and issued relevant rules vide G.O.Ms.No. 6 Higher Education (EC) Department, dated.08.01.2007.As per section 4(iv) of the said rules the AFRC shall take into consideration the following factors while prescribing the fee:-

- a) the location of the professional institution
- b) the nature of the professional course
- c) the cost of available infrastructure
- d) the expenditure on administrative and maintenance
- e) a reasonable surplus required for growth and development of the professional institution
- f) the revenue foregone on account of waiver of fee, if any, in respect of students belonging to the Schedule Caste, Schedule Tribes and wherever applicable to the Socially and Educationally Backward Classes and other Economically weaker sections of the Society, to such extent as shall be notified by the Government from time to time
- g) any other relevant factor.

12) As seen above the fees fixed by AFRC for Law Colleges taking the above factors into consideration is substantially higher than the fees fixed by the Govt., for the conventional Degree Colleges.

13) The A.C. College of Law, Guntur is having sanctioned strength of 880 students and out of which 20% seats are filled under management quota. The College is also collecting tuition fee as applicable to Un-aided law Colleges and as fixed by AFRC, The said college has (9) regular teaching and (17) non teaching staff, mostly on contract basis. Taking into consideration the salary etc., of the staff and the fee being collected by the college as approved by AFRC the college can earn more in terms of collection of fees than the amount they spend on establishment charges.

14) Here it is pertinent to note that Govt. vide G.O.Ms.No. 102, Higher Education (MC.) Department, dated.29.7.2009, has issued orders for fee reimbursement in Professional colleges in the State. Indirectly Government is almost reimbursing the entire amount to the college in the form of fee reimbursement as majority of the students of category 'A' are getting covered under fee reimbursement scheme.

15) Now at this stage, granting aid to the said professional college will mean extending double benefit from government to the college i.e., one in form of financial aid and other in the form of fee reimbursement. Even before the introduction of fee reimbursement scheme covering all communities as per G.O. Ms.No. 102, Higher Education (MC) Department, dt. 29.7.2009, the College in any way was realising more in terms of fees from the students than required towards establishment cost of the college.

16) Therefore Government after careful examination of the matter hereby reject the request of the applicant for releasing Grant in aid to the A.C. College of Law, Guntur.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R. BISWAL  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The President,  
Andhra Evangelical Lutheran Church,  
P.B.No.205, Guntur – 52202.

Copy to:  
The Advocate General, A.P. High Court, Hyderabad.  
The Govt. Pleader for Higher Education, A.P. High Court, Hyderabad.  
The Commissioner of Collegiate Education, Hyderabad.  
The P.S to Principal Secretary (HE)  
Stock file / Spar copy

//FORWARDED:BY:ORDER//

SECTION OFFICER